

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty. Ref.: **4662-23**

SCHAFFNER

Conf. No.: **8247**

Serial No. **10/541,359**

Group: **1791**

Filed: **July 6, 2005**

Examiner: **Theodore, Magali P.**

For: **PROCESS FOR THE MANUFACTURE OF POWDEROUS PREPARATIONS OF
FAT-SOLUBLE SUBSTANCES**

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December 18, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The following comments are intended to be fully responsive to the restriction requirement advanced in the Official Action dated September 10, 2008, petition being hereby made for an extension of time for three (3) months, up to and including January 10, 2009.

As an initial "housekeeping" matter, applicants note that the Office Action Summary Page incorrectly lists claims 1-9 as pending herein. In this regard, original claim 9 was canceled by way of the Preliminary Amendment concurrently filed with the subject application on July 6, 2005. That same Preliminary Amendment also clarified certain claims and removed multiple dependencies therefrom. Thus, applicants request confirmation that claims 1-8 as presented with the Preliminary Amendment dated July 6, 2008 are presently pending in the USPTO records.¹

In response the restriction requirement, applicants hereby elect for further prosecution the invention defined by the claims of Group I, including claims 1-7 drawn to

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a method for making beadlets of fat-soluble substances in a water-soluble or water-dispersible matrix.

The non-elected invention defined by the claim of Group II (i.e., claim 8, drawn to an apparatus) has been retained in the application for the time being. The Examiner is however authorized to cancel such non-elected claim in the event that the elected claims of Group I are otherwise deemed to be in condition for allowance.

A favorable action on the merits of the elected claims is therefore awaited.

Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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¹ A review of the USPTO's PAIR system for this application reveals that the July 6, 2005 Preliminary Amendment is in fact present in the file history documents.